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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,071	11/25/2003	Jen-Tsu Kuo	JIAN 187	4205

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RABIN & CHAMPAGNE, P.C.
Suite 500
1101 14th Street, N.W.
Washington, DC 20005

EXAMINER

ABDELWAHED, ALI F

ART UNIT PAPER NUMBER

3712

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,071

Applicant(s)

KUO, JEN-TSU

Examiner

Ali Abdelwahed

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 2 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,234,858 B1 to Nix in view of U.S. Patent No. 1,566,801 to Millard.

Nix discloses the claimed invention except for the through-holes having an octagonal shape and the tenons having an umbrella shape. However, Millard teaches a doll figure comprising umbrella shaped tenons (10, 11) used for a flexible articulated coupling of the different components of the figure to the main body (see figs. 6, 7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the toy structure of Nix, in view of Millard, such that it would provide the toy structure of Nix with the concept of having umbrella shaped tenons for the purpose of enhancing the rigidity of the articulated connection between the different components of the toy structure.

Additionally, Nix discloses the claimed invention except for the octagonal shaped through-holes. However, Nix does teach the through-holes having different shapes, such as squared, circular, rectangular, and hexagonal. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to change the shape of the through-holes, since such a modification would allow for a wide

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range of geometric formations for retention of the limb structures. Furthermore, the specification of the present invention does not provide any criticality (i.e., provides an advantage, is used for a particular purpose, or solves a stated problem) for the use of the specific shapes of the through-holes.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,234,858 B1 to Nix in view of U.S. Patent No. 5,858,262 to Lebensfeld.

Nix discloses the claimed invention except for the through-holes having an octagonal shape and the tenons having an umbrella shape. However, Lebensfeld teaches a toy figure comprising umbrella shaped tenons (43) that are used for coupling the different components of the toy figure together (see figs. 4-6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the toy structure of Nix, in view of Lebensfeld, such that it would provide the toy structure of Nix with the concept of having umbrella shaped tenons for the purpose of enhancing the rigidity of the articulated connection between the different components of the toy structure.

Additionally, Nix discloses the claimed invention except for the octagonal shaped through-holes. However, Nix does teach the through-holes having different shapes, such as squared, circular, rectangular, and hexagonal. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to change the shape of the through-holes, since such a modification would allow for a wide range of geometric formations for retention of the limb structures. Furthermore, the

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specification of the present invention does not provide any criticality (i.e., provides an advantage, is used for a particular purpose, or solves a stated problem) for the use of the specific shapes of the through-holes.

Response to Arguments

Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (703) 305-3311. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

AA
07/06/2004



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700